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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 March 1990, at 10 a.m.

Chairman:	Mrs. QUISUMBING	(Philippines)
later:	Mr. DITCHEV	(Bulgaria)

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(b) National institutions for the promotion and protection of human rights;

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The meeting was called to order at 10.35 a.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) CO-ORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1990/18 and Add.1, 19, 20, 49, 54, 65, 79 and 85; E/CN.4/1990/NGO/2 and 39; A/44/660 and Add.1; E/AC.51/1989/2)

1. Mr. STANEVSKI (Union of Soviet Socialist Republics) said that it had become quite clear at its current session that the Commission was in a transitional phase and that it was emerging from the period of West-East confrontation, which had for many years determined the essence of its work. However, the direction in which it was proceeding was less clear.

2. Nevertheless, the current session had given many examples that raised hopes concerning closer co-operation of States in the field of human rights. In that regard it was sufficient to mention the voting on resolutions concerning the violations of human rights in the Arab territories occupied by Israel. A higher level of mutual understanding had been reached and his delegation was pleased to note the flexibility shown in the first instance by Arab delegations, but also by many representatives of Western countries.

3. However, the session had also revealed a number of warning signs and many delegations were asking whether West-East confrontation was not going to be replaced by some other new confrontation. In his delegation's opinion, it was over-simplistic to assert that such a new confrontation was already taking place in the form of a North-South conflict. It was simplistic because the Soviet Union, a geographically northern country, was not involved in a confrontation with the South and the same was true of other northern countries. It was also wrong to regard any joint actions by the developing countries as attempts at confrontation with the North.

4. Nevertheless, there was reason for concern. Great differences continued to exist with regard to what constituted human rights. The Commission could not effectively protect the human person without being united on the question of which specific international standards should guide States in the field of human rights and fundamental freedoms. It would be desirable if delegations could state their views on that matter with all possible clarity. If that did not occur at the current session, then efforts should be made to prepare for the following session.

5. His delegation was concerned that the session had not contributed much to the international system for the defence of human rights. It welcomed, of course, the prospects that had appeared for working out sets of standards on such important issues as the rights of indigenous populations, the rights of

national minorities, and the rights of the mentally ill. However, to avoid new confrontations, more far-reaching steps were necessary, in particular the accession to the International Human Rights Convenants by States which had not yet done so. Confrontation could be prevented if all Members supported the Universal Declaration and Covenants and complied with the international standards.

6. His delegation agreed that the time had come to speak less of new standards than of compliance with the existing standards. It regarded monitoring as a means of persuading States to observe international standards. It would not be easy to achieve effective monitoring but members could be inspired by the results obtained by their diplomat colleagues working in the field of disarmament. Ways had been found at Geneva to resolve many problems in the monitoring field which had initially appeared to be insoluble; as a result of greater transparency and predictability in the development of the international situation, domestic norms in the field of human rights were being brought into line with international standards.

7. It had clearly become necessary not only to ascertain and condemn the existence of human rights violations but also to prevent them. To that end, there was a need for greater publicity, objective data on the situation in each country and a broad infrastructure for international monitoring. In some cases, arbitration was also necessary. It was not by chance that his Government had withdrawn its reservations concerning the competence of the International Court of Justice with regard to agreements in the human rights field.

8. In connection with the prevention of violations, it was necessary to analyse carefully and publicize the experience of all United Nations machinery dealing with human rights and to consider ways of improving and co-ordinating their activities.

9. One promising area of co-operation involved confidence-building measures. In his statement on 1 March, the Deputy Minister for Foreign Affairs of his country had put forward a number of ideas in that area. In his delegation's opinion, an exchange of views should be held on that subject during the inter-sessional period on a bilateral basis, and possibly also on a multilateral basis with the participation of the permanent representatives at Geneva.

10. With regard to improving the work of the Commission itself, a number of non-aligned countries had proposed a draft resolution which his delegation considered useful. The delegations of the Eastern European countries had already stated their positive attitude towards the proposals by the Western countries. They considered that a common position should be found on the basis of the enhanced role of the Commission as an effective body for reaching agreement on action by the world community in the human rights field.

11. The Soviet Union supported, in principle, the proposal to increase the membership of the Commission, provided that all possible consequences were identified and considered before a final decision was taken. He urged the sponsors of that measure to hold an exchange of views with his delegation before proceeding to a decision. His delegation would like to know, for example, what would be the exact financial implications of such an enlargement

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and what proportion of the probable increase in cost would have to be borne by the Soviet Union. There were other questions also which, it thought, should be discussed. In the circumstances, it would be logical to defer a decision for a year.

12. His delegation favoured the active participation of non-governmental organizations in the work of the Commission. It co-operated with many of them, listened to their statements and held consultations with Amnesty International. Unfortunately, there were some individual non-governmental organizations which had not noticed that the era of confrontation had passed. Those organizations, which were few in number should realize that unbalanced statements on delicate topics of interethnic relations complicated rather than consolidated the defence of human rights. Nevertheless, his delegation regarded the non-governmental organizations as solid partners and was convinced that, when expanding the membership of the Commission, their interests should also be taken into account.

13. He reaffirmed his delegation's support for the activities of the Centre for Human Rights. It had no doubt about the usefulness and effectiveness of the information programme in the field of human rights and adopted a positive attitude towards the proposals made in recent years in the Commission concerning the allocation of resources for those purposes in the United Nations regular budget, within the framework of the World Public Information Campaign for Human Rights.

14. Mr. VILLARROEL (Philippines) said that, in line with the need to stimulate public interest in the promotion and encouragement of universal respect for human rights and fundamental freedoms, his Government was organizing, in collaboration with the Centre for Human Rights, an Asian-Pacific Human Rights Workshop to be held at Manila in May 1990. That would be his country's modest contribution to the World Public Information Campaign on Human Rights. He took the opportunity to thank the donor countries whose generous contribution to the United Nations Voluntary Fund had enabled the Centre to collaborate with his Government on that project.

15. With regard to regional arrangements for the promotion and protection of human rights in the Asian-Pacific region, his delegation was sponsoring a resolution which, inter alia, requested the Secretary-General to ensure a continuing flow of human rights materials to the ESCAP library, designated as the depositary centre for United Nations human rights materials in that part of the world. It hoped that the draft resolution would be adopted by consensus.

16. His delegation welcomed the General Assembly's recommendation in its resolution 44/167 concerning the expansion of the membership of the Commission on the basis of the principle of equitable geographical distribution. It was not logical to express the desire to universalize respect for human rights and then restrict the membership of the very body organized to promote that goal.

17. Members agreed that it was high time that the work of the Commission were rationalized. Yet members' attitudes towards rationalization were warped by narrow self-interest. That was not rational and it had prevented the Commission from adopting constructive measures. His delegation was eagerly awaiting the report of the Working Group on agenda item 11 and hoped that it would not disappoint the Commission's expectations.

18. With respect to sub-programme I of the medium-term plan, his delegation endorsed the strategy proposed by the Secretariat to enhance and deepen dialogue between the States parties to the various human rights instruments and the relevant monitoring or treaty bodies.

19. His delegation's experience with the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Group of Three had not always been productive or meaningful. While it did not question the guidelines which those bodies advised Governments to follow in the preparation of their reports, it took strong exception to the questions which some Committee members asked after the oral presentation of the report. The answers to those questions could never be found in the report and, given the shortness of time at the disposal of the Government delegations, it was virtually impossible for them to obtain the answers from their capitals. That situation created much tension and ill-will.

20. At its thirteenth session, however, the Committee on Economic, Social and Cultural Rights, realizing the unproductiveness of that procedure, had experimented with a new approach under which the questions that Committee members wished to ask following the oral presentation were sent a week in advance to the delegations concerned. His delegation had welcomed that innovation because it had made it possible to supply the appropriate answers. The object of the exercise was, after all, for the Committee to be informed of the action taken by a State party to comply with its treaty obligation. His delegation therefore recommended that practice to the Secretariat.

21. In conclusion, he said that his delegation fully supported the views expressed by the representative of Peru with regard to the draft resolution concerning threats to legitimately constituted Governments by acts of violence committeed by armed groups.

22. Ms. ANDREYCHUCK (Canada) said that, since the early 1970s, major strides had been made in advancing the cause of effective implementation of the fundamental principles enshrined in the International Bill of Human Rights, particularly through the creation of the system of special rapporteurs and similar monitoring mechanisms. It was regrettable that the debate on the agenda item under consideration had not in itself contributed very much to that enterprise.

23. Recent developments in the international community, however, gave cause for new hope and General Assembly resolution 44/167 on the enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms presented the Commission, at its current session, with the challenge and opportunity to take advantage of those new circumstances.

24. Genuine progress to that end would ultimately require enhancement of the resource base of the United Nations human rights programme. Less than 1 per cent of the regular United Nations budget was not capable of sustaining the Centre for Human Rights in meeting its current demands and was pathetically out of line with the central place of human rights among the goals of the Charter.

25. Discussion of the question of "enhancement" at the current session had convinced her delegation that two major problems, above all others, required urgent attention. The first was the lack of adequate procedures for preparing and organizing the work of the Commission so as to make optimal use within current resources of the six weeks of meeting time available each year.

26. The second and more important problem was the lack of an appropriate mechanism by which the Commission could address urgent human rights situations in a timely manner. In view of its primary responsibility in the field of human rights, the Commission could not leave that task to other United Nations bodies.

27. A number of possible solutions to those problems had been considered, including the establishment of either an inter-sessional role for the Bureau, a more widely representative inter-sessional committee, or a "co-ordinating unit" consisting of the permanent representatives at Geneva or other accredited representatives of States members of the Commission. Whichever formula was selected, her delegation remained convinced of the crucial need for the Commission to be able to address urgent human rights situations during its inter-sessional period each year. It was to be hoped that ongoing discussions would produce an agreement on the creation of an appropriate mechanism.

28. In view of the unique and essential contribution made by non-governmental organizations to the work of the Commission, her Government could not agree to any steps which would curtail those organizations' ability to bring their concerns to the attention of the Commission.

29. There was broad agreement on the need for some rationalization of the Commission's working methods, and any progress in that area would be welcome. However, such measures did not constitute a sufficient response to the task assigned to the Commission by the General Assembly. Any recommendations which the Commission made to the Economic and Social Council must aim not only at greater efficiency but also at improved effectiveness of the Commission's efforts.

30. With regard to the prospect of an enlarged membership of the Commission, her Government felt that an increased participation by countries from all parts of the world might well foster the dissemination of what had been termed the "universal culture of human rights". None the less, genuine enhancement of the Commission's effectiveness could not be achieved solely by expanding its membership, but would also require measures to strengthen its machinery. She reiterated her Government's commitment to the search for consensus on genuine measures to advance the cause of human rights.

31. Mr. Ditchev (Bulgaria) took the Chair.

32. Mr. STROHAL (Observer for Austria) said that his delegation supported the growing range of informational and educational activities carried out by the Centre for Human Rights and its co-ordinating role with regard to all bodies dealing with the protection and promotion of human rights.

33. In its resolution 44/167, the General Assembly had requested the Commission to examine ways and means of making its work more effective. There was wide agreement among the members of the Commission as to the problems they faced, including an overloaded agenda, severe time constraints and the growing

number of resolutions adopted each year, which made it difficult to follow all aspects of the Commission's work. The problems were especially acute for the smaller delegations.

34. At the same time, the rapid pace of developments in the human rights situation world-wide had led to an increasing awareness of human rights issues among the public and a clear recognition of the international community's obligation to protect human rights and fundamental freedoms in all parts of the world.

35. Those circumstances had given rise to greater efforts at mutual co-operation, including a recognition of the importance of the thematic approach to human rights violations and intensified contacts between the various regional groups during the Commission's session. In that context, the Working Group on agenda item 11 had a crucial role to play, not only in identifying problems but also in finding adequate solutions, some of which had already been proposed on earlier occasions.

36. First, the Commission should aim for a better organization of its work through a restructured agenda, greater recourse to the biennialization of certain items and better time management. Secondly, the growing responsibilities of the Centre for Human Rights made additional resources necessary. Thirdly, a mechanism should be set up to allow for an ongoing international human rights dialogue.

37. While it was true that human rights issues were addressed by various international bodies throughout the year, it was also obvious that the Commission, as the central human rights body within the United Nations system, provided an opportunity for a comprehensive review of all major human rights issues. That opportunity should not be limited to a six-week period each year. An ongoing dialogue would not mean conferring far-reaching powers on the Bureau; rather, it would mean making it possible for all members of the Commission to meet informally during the year, without an overly specific agenda, in order to exchange views on particular human rights questions.

38. Mr. LADOR (World Association for the School as an Instrument of Peace) said that, for 23 years, his organization had been urging the incorporation of materials on human rights and peace into school programmes throughout the world. Explaining to children the meaning of human rights and what must be done to ensure respect for those rights in everyday life would, in the long run, eliminate the need for the Commission to respond to human rights violations.

39. As human rights education depended first and foremost on the awareness of the educators, his organization had established in 1984 an International Training Centre for Human Rights and Peace Education, which organized annual training sessions for teachers at the primary, secondary and vocational levels. In 1989, the Centre had been awarded the Human Rights Prize by the French Government in recognition of its having organized, in co-operation with the Government of Guinea, the first African regional seminar on human rights education, held at Conakry in 1988. The second African regional seminar, organized in co-operation with the Government of Togo, was to be held at Lomé in March 1990. The first training session for ministry of education officials from Portuguese-speaking countries, organized jointly with the Government of Portugal, was to be held at Lisbon in October 1990.

40. Those examples of co-operation with Governments showed that human rights education could become an even higher priority if it was granted the necessary resources. To that end, he proposed that the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights should grant fellowships to ministry of education officials who wished to receive further human rights training.

41. Mr. FERNANDO (World University Service) said that his organization attached great importance to the promotion of academic freedom throughout the world, and drew attention to paragraph 74 of the preliminary report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19), in which the Special Rapporteur had mentioned his organization's adoption of the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education.

42. His delegation had noted with appreciation the incorporation of the concept of academic freedom into the Constitution of the Philippines. It had also been pleased to learn that the Australian Government had commissioned a prominent academic to undertake a study on the subject with a view to developing an Australian charter on academic freedom, an example which, he hoped, would be followed by other Governments.

43. At the previous session of the Commission, his organization, together with four other non-governmental organizations, had drawn the Commission's attention to the issue of the impunity of members of military and security forces responsible for gross violations of human rights. He had noted with satisfaction the inclusion of that issue in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13), and had also appreciated the comments made on the subject by the observer for the Netherlands.

44. He urged the Commission to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint an expert to study the consequences of impunity in terms of the continued violation of human rights and fundamental freedoms, and to present a preliminary report to the Commission at its next session.

45. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that at a previous meeting, in reply to allegations concerning Syrian Jews, he had presented the necessary evidence to show that the so-called problem of Jews in Syria did not exist, and that it had been fabricated out of whole cloth for political purposes.

46. Under the current item, a representative of a puppet organization, which was manipulated by those who were planning to settle Jewish immigrants in the occupied Arab territories, had felt it appropriate to raise issues which had nothing to do with the current discussion. To the World Union for Progressive Judaism, which was merely a synonym for world zionism, the Commission was a forum to be exploited. What the Commission should discuss was the need to limit the destructive role of such non-governmental organizations, and not the marriages of Syrian Jewish or other women. Marriage was a private and individual matter, and the State could not serve as a marriage broker.

47. The representative of the World Union for Progressive Judaism had done nothing but incite hatred and discord, and had attempted to forestall adequate replies to his lies and slander. It should be well understood that a State which had acceded to all the international covenants and conventions and which was a long-time member of the Commission and had participated actively in its work would not allow itself to be insulted within the hearing of all the members of the Commission.

48. He wished to state formally that the Syrian Arab Republic was not prepared to grant privileges to any population group simply because its members professed a particular religion and believed themselves to be superior to other citizens. The law would be applied equally to all citizens. He hoped that those who had offered support to his delegation would tell the individual in question what they thought of him and his diversionary role.

49. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 11.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (A/C.3/44/1 and 4; E/CN.4/1990/50)

50. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 13, said that for a number of years, the Commission had been considering the question of measures to improve the situation and ensure the human rights and dignity of all migrant workers. In its resolution 34/172, the General Assembly had decided to create a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families.

51. The Commission on Human Rights, in its resolution 1989/55, welcomed once more the progress being made by the Working Group in the discharge of its mandate and, in particular, the headway it had made in the second reading of the draft international convention; invited all member States to continue co-operating with the Working Group; reiterated its hope that the General Assembly would complete the elaboration of the convention as soon as possible and requested the Secretary-General to inform the Commission of the further progress made in that regard.

52. Pursuant to General Assembly resolution 43/146, the Working Group had held two sessions at Headquarters from 31 May to 9 June and from 26 September to 8 October 1989 to continue the drafting of the international convention on second reading.

53. The Working Group had learned with deepest sorrow of the sudden passing away, on 1 September 1989, of its Chairman and former Vice-Chairman of the Commission on Human Rights, Mr. Antonio González de León, Ambassador of Mexico. The Working Group had observed a minute of silence in his memory, and the Vice-Chairman, on behalf of the Working Group, had conveyed its sincerest sympathy to his family and to the Government of Mexico. The Working Group had elected Mr. Claude Heller, Ambassador of Mexico, as the new Chairman.

54. At its recently concluded session, the General Assembly, by its resolution 44/155, had taken note with satisfaction of the two reports of the Working Group on those sessions, and in particular of the progress it

had made. As the Working Group was nearing the completion of its task, the General Assembly, in its resolution 44/155, had requested the Secretary-General to entrust the Centre for Human Rights with the technical revision of the text of those articles of the draft convention that had been approved by the Working Group on second reading, with a view to ensuring uniformity of terminology and harmonizing the versions in the official languages of the United Nations, bearing in mind General Assembly resolution 41/120, and to transmit the results of that technical revision to Governments as soon as possible, and not less than one month before the next meeting of the Working Group, to be held in 1990.

55. The General Assembly had decided that the Working Group should hold a meeting of two weeks' duration in New York immediately after the first regular 1990 session of the Economic and Social Council, with a view to completing the remaining articles and considering the results of the technical revision of the draft convention. It had invited the Secretary-General to transmit to Governments the two most recent reports of the Working Group so as to enable the members of the Working Group to finish the drafting, on second reading, of the draft convention during the meeting to be held in the spring of 1990, as well as to transmit the results obtained at that meeting to the General Assembly, so that it might take a decision during its forty-fifth session.

56. It had also invited the Secretary-General to transmit those documents to the competent organs of the United Nations and to the international organizations concerned for their information, so as to enable them to continue their co-operation with the Working Group. Finally, the Assembly had requested the Secretary-General to do everything possible to ensure adequate Secretariat services for the Working Group for the timely fulfilment of its mandate during the meeting to be held immediately after the first regular 1990 session of the Economic and Social Council.

57. In conclusion, the Commission's attention was drawn to the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers, organized by the Centre for Human Rights under the Programme of Action for the Second Decade and the plan of activities for the period 1985-1989 which had been held at Athens from 18 to 26 September 1989, at the invitation of the Government of Greece, under the Chairmanship of Mrs. Daes (E/CN.4/1990/50).

58. Mrs. FUCHS OJEDA (Mexico) said that the Working Group, meeting in New York from 27 September to 7 October 1988, had, on second reading, finalized articles 63 to 69 bis of part VI and articles 70 to 72 of part VII, having left the chapter on the application of the convention and the final provisions as well as a number of articles from other parts for later consideration. At its tenth session, held in New York from 26 September to 6 October 1989, the Working Group had made major progress towards an agreement on a number of pending articles, as could be seen in documents A/C.3/44/1 and A/C.3/44/4, and would probably complete its mandate in the course of 1990.

59. As a result of the approval of the new articles and the deletion of others, it had been necessary to renumber some of the articles approved on second reading: articles 1 to 9 would remain unchanged; owing to the deletion of the former article 60, article 61 would become the new article 60; article 62 would become article 61; article 62 bis would become article 62;

article 62 ter would become article 63; articles 63 to 74 would become articles 64 to 75 and article 75 would become article 76. As a consequence, the other articles would also have to be renumbered. Thus, the articles still pending were articles 50, parts of article 62, paragraphs 8 and 9 of article 70, article 85 and the proposals concerning article 86.

60. The Working Group had decided to ask the General Assembly to renew its mandate and to arrange for the technical revision of all the articles approved on second reading. In accordance with General Assembly resolution 44/155, the Working Group was to meet in New York, immediately after the first regular session of the Economic and Social Council, from 29 May to 8 June 1990, to consider the pending articles and the technical revision requested from the Centre for Human Rights, as a result of which the General Assembly would be in a position to adopt the draft convention at its forty-fifth session.

61. At the current session of the Commission, her delegation was one of 23 that had sponsored a draft resolution on measures to improve the situation and ensure the human rights and dignity of all migrant workers. It hoped that the Commission would adopt that draft resolution without a vote.

62. Mr. DAHMOUCHE (Observer for Algeria) said that the status of migrant workers was still not satisfactory. The attempt to grant equality of treatment was a purely theoretical one because, in actual fact, migrant workers, often illiterate and unable to speak the language of the host country, had very little idea of the legal standards designed to protect them. The application of such standards therefore presupposed an information campaign in both the country of origin and the host country.

63. It was essential that a dialogue should begin between the States concerned, particularly with regard to the cultural life of migrant workers, responsibility for which rested with both the host country and the country of origin. That was all the more so in the case of the children of migrant workers, who had to adapt to the cultural environment in which they lived while maintaining their own identity and cultural balance. Linguistic and cultural obstacles necessitated the creation of institutions geared specially to the children of migrant workers and aimed at ensuring their integration in society. The hiring, or even the training, of bilingual teachers in the country of origin might also be considered.

64. The International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers had rightly expressed concern about the participation of migrant workers and their families in the public affairs of their host country, including the right to vote and to be elected. Migrant workers who paid social security dues and national and local taxes, thereby contributing fully to the prosperity of their surroundings, should also be able to vote in elections that concerned them directly and should be eligible to stand for election, and they should also have the right to freedom of association and the right to join trade unions.

65. While hoping that the draft convention could be finalized soon, his delegation also urged the Commission to consider the resurgence of xenophobia, particularly in Western Europe, where economic difficulties were being blamed

on the presence of foreign workers who, in actual fact, had played an important role in the prosperity experienced by the countries of that region in the past decades.

66. The complacent way in which Governments had been addressing that problem could not but maintain the migrant workers in the role of the scapegoats responsible for the economic crisis. The Commission must therefore firmly condemn campaigns against migrant workers and xenophobic and racist attitudes, which were on the increase.

67. Mr. BEN MALEK (Observer for Tunisia) said he was pleased at the results of the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers, which had made a useful contribution to finalizing the draft international convention on the protection of the rights of all migrant workers and their families. His Government, which attached great importance to the living conditions of migrant workers and to the protection of their rights, safety and dignity, hoped that the pending articles would be completed for the forty-fifth session of the General Assembly.

68. His Government was working towards a better integration of Tunisian migrant workers into the society of their host countries while strengthening their ties with their country of origin. It was also collaborating with the other Maghreb countries on a comprehensive policy for safeguarding the rights, dignity and interests of their citizens abroad. It intervened with the authorities in the host countries to ensure the protection of its citizens whenever isolated incidents occurred.

69. His Government continued to seek equality of opportunity for its citizens in the host countries with regard to education and occupational training, the right to family reunion, freedom of movement and the right to work. It strove to ensure that Arabic was taught to the children of the Tunisian community abroad and their cultural identity safeguarded by periodically sending ecclesiastical advisors during Muslim religious holidays. It would welcome progress on promoting the right of migrant workers to freedom of speech, the right to be represented, freedom to improve their living conditions and the right to participate in trade unions in the host country.

70. Migrant workers had made a considerable contribution to building the modern industrial societies, and that implied a number of responsibilities on the part of the host countries.

71. Mr. METSO (Observer for Finland) said he noted with satisfaction that the draft international convention on the protection of the rights of all migrant workers and their families would, in all likelihood, be submitted to the General Assembly for adoption at its next session. In his view, the speedy completion of the draft was very important. One of its novelties was that the various groups of migrant workers and their families were defined. It was to be hoped that decisions on the draft provisions concerning self-employed workers, project workers and seamen would be adopted without difficulty during the forthcoming deliberations of the open-ended Working Group.

72. It was most important that the text of the future convention should not contain provisions contrary to those of existing human rights instruments. He therefore supported the proposal for a technical review of the draft convention by the Centre for Human Rights before it was submitted to the General Assembly.

73. The most significant achievement of the Working Group's previous session had been the introduction of a draft article concerning the procedure by which individuals could, in cases of alleged violations of the convention by a State party, forward their complaints to the committee to be established under the convention. It was worth noting that complaints could also be made with respect to alleged violations of economic, social and cultural rights.

74. He strongly opposed any plans to introduce a provision containing the idea of a reciprocal application of the convention. The issue of reciprocity between States parties should be excluded, whether or not an article on reservations was retained in the final text.

75. Mrs. Quisumbing (Philippines) resumed the Chair.

76. Mr. SIMMONS (International Indian Treaty Council) said his organization supported the conclusions and recommendations adopted by the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers (E/CN.4/1990/50). The basic human rights of migrant workers must not be merely restated; recognition of the importance of international standards must lead to policy goals and guidelines for the States which facilitated the realization of human rights.

77. The children of migrant workers encountered difficulties which must be met by special measures. Migrant workers involved in agriculture, for example, had to move with the seasons, and their children were thus unable to receive schooling during the regular academic year. Moreover, they often missed classes because their families, which were desperately poor, depended upon their labour. Those who wished to learn traditional values required special educational programmes. The need existed for bilingual education and multicultural approaches.

78. The peoples represented by the International Indian Treaty Council sympathized with the plight of migrant workers, because they too had come close to losing their languages and traditions as a result of rigid educational practices imposed by the Government of the United States. In schools, they had not been allowed to speak their own languages, dress in traditional ways, live by their own values, follow their own spirituality or maintain their traditional forms of government. They well understood the sufferings of migrant workers forced to abandon their own culture and become immersed in that of another people.

79. Migrant workers and members of their families should be granted not only the right but also the opportunity to form and to join associations of their own. Existence of such associations could render great support to their members, linguistically, culturally, socially and psychologically. It was important for smaller cultural groups living within a dominant culture to join together to conserve their traditions and language.

80. Migrant workers should be informed of their right to join trade unions and be encouraged to do so. Time and again in the history of industrialized nations, working people had been exploited by the owners of the enterprises that profited from their labour. Migrant workers employed in agro-business in the United States had suffered the injustice of long working hours for miserable wages, terrible working conditions, the denial of educational and medical benefits and facilities, and substandard housing. Such conditions had led to the formation of trade unions among the ethnic farm workers.

81. Like the indigenous peoples, migrant workers had been displaced from their homeland, were forced to adapt to the language and culture of the dominant society and had to search for alternative educational programmes and cultural organizations in order to promote their traditional way of life in a foreign context. The International Indian Treaty Council urged the member States of the Commission to act with compassion and justice towards the migrant workers within their borders. By making bilingual and multicultural education available to migrant workers, they would be enriching their own culture as well and promoting understanding among peoples.

82. Mr. VILLARROEL (Philippines) said that his delegation welcomed the progress made on the draft international convention on the protection of the rights of all migrant workers and their families. Filipinos formed a substantial segment of the hundreds of thousands of Asians employed around the world. That employment had brought his country much-needed foreign exchange, as well as material benefits for the overseas workers' families. But the cost was a litany of abuses committed against such workers.

83. It was significant, in that regard, that implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had been a main topic at the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers. Several participants in the Seminar had pointed to the link between migratory flows and the economic and technological disparities in the world. The Philippines, like most developing countries, was among those adversely affected by such disparities, which had perhaps had a bearing on the General Assembly's adoption, significantly on the Commission's initiative, of the Declaration on the Right to Development (resolution 41/128).

84. Some did not recognize the right to development as a basic human right at all; but, like all such rights, it did not require acceptance for its validity and legitimacy. Those who would deny the developing countries that right should not use the advantages gained in different times to extract more from those countries, nor cite isolated human rights violations in the latter - sporadic events stemming from poverty and despair - as proof that those countries could not govern themselves or protect their own people's rights. Instead, they should look at the systematic and institutionalized human rights abuses which had been heaped on the third world, which still bore their marks.

85. Full realization of the right to development would minimize economic and technological disparities and thus reduce migratory flows. In the meantime, his delegation looked forward to the early adoption and subsequent entry into force of the proposed international convention.

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 21) (E/CN.4/1990/NGO/11)

86. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 21, recalled that the General Assembly, in its resolution 2331 (XXII), condemned any ideology, including nazism, based on racial intolerance and terror and, in resolution 2839 (XXVI), decided, inter alia, that suitable follow-up action should be taken and called upon the other competent United Nations organs to remain vigilant. Pursuant to that resolution, the Commission had maintained a suitable item on its agenda since its twenty-eighth session.

87. In accordance with General Assembly resolution 36/162, the topic had been considered by the Commission since its thirty-eighth session in the form of the current agenda item 21. Pursuant to General Assembly resolution 35/200, the Commission, at its thirty-seventh to forty-second sessions, had considered the question and adopted some relevant resolutions, including resolution 1986/61, by which it had decided to consider the item on a biennial basis.

88. By operative paragraph 8 of its resolution 1980/63, the Commission had decided to include the item on the provisional agenda for its forty-sixth session. The Secretary-General had submitted, through the Council, to the General Assembly at its forty-third session, in accordance with Assembly resolution 41/160, a report (A/43/305-E/1988/26), drawn up in the light of action taken by the Commission at its forty-fourth session and of comments provided by States and international organizations.

89. The General Assembly, in resolution 43/150, had, inter alia, again condemned and expressed its determination to resist all totalitarian or other ideologies and practices which deprived people of basic human rights and fundamental freedoms, and had requested the Secretary-General to submit a report to it at its forty-fifth session, through the Economic and Social Council, in the light of the Commission's deliberations at its current session and the comments provided by States and international organizations.

90. Mr. ABRAMS (United States of America) said that, as a lawyer at the Nürnberg Tribunal, he had come face to face with racism's ultimate manifestation; but he had known, even as a boy living in a racially-segregated community, that racism was evil, debased the dignity of all men and contradicted the fundamental principles of United States democracy. He was an heir not only to the latter but also to Judaism, whose essential message was diametrically opposed to racism. The Bible exhorted the Jews to have one law for strangers and fellow-countrymen alike; and the Jewish commitment to the stranger was the more striking in view of the Jews' historical vulnerability, recalled in the annual message of the feast of the Passover.

91. Zionism expressed the Jewish yearning for and connection to the land of Israel. It had existed as an expression of tradition and belief long before its modern manifestation as an international political movement, and expressed the ethnic pride of an oppressed people. But the Zionist view also had an important universal content; being the embodiment of tolerant nationalism, it had been a model for all honourable national liberation movements.

92. Zionism was a complete contradiction of racism; the State of Israel contained Jews of many races, including several thousand black Jews absorbed from the Horn of Africa at considerable expense and risk and accepted as fully-fledged citizens. Moreover, Israel was more devoted to equal rights than any other Middle East country; Christians and Muslims, Orientals and Westerners sat together in the Knesset (Parliament). It might be wondered how many Jews sat in the parliaments of the countries at war with Israel. As a former United States representative to the United Nations, Senator Moynihan, had said when addressing the General Assembly, in logic the State of Israel could become many things, theoretically including many undesirable things, but could not become racist unless it ceased to be Zionist.

93. Nevertheless, the General Assembly had adopted the infamous resolution 3379 (XXX), which determined that zionism was a form of racism and racial discrimination. That statement was not only an outrageous lie but had been intended by the sponsors, who had known full well that the International Convention on the Elimination of All Forms of Racial Discrimination rightly branded racist acts a crime, to imply that the Jewish State was criminal. And it was more than coincidence that the resolution had been adopted on the thirty-seventh anniversary of the Kristallnacht, Hitler's visitation of death and destruction on German Jewry.

94. Since the United Nations had been founded following the overthrow of Hitler's pernicious brand of racism, it would be a terrible twist of history if it became the executor of Hitler's prophesy and, incidentally, branded as a criminal Hitler's most persistent opponent, Winston Churchill, who had proudly proclaimed himself a Zionist.

95. General Assembly resolution 3379 (XXX) violated the principles of the Charter. The Commission should call on the General Assembly to erase the lie which tainted the Organization as surely as the segregation experienced during his youth had tainted United States democracy.

96. Mr. HUSSAIMI (Observer for the Syrian Arab Republic) said that speakers during the current session had reaffirmed the need to uphold the provisions of the Universal Declaration on Human Rights, the Interntional Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments in the effort to put an end to all totalitarian or other ideologies and practices based on racial intolerance. The Syrian Arab Republic continued to apply the principles of all those instruments in its policy of combating all forms of nazism, fascism, neo-fascism, racism and racial discrimination, and had done so since its accession to independence in 1946.

97. The peoples of the third world had constantly suffered from racist policies and practices, which had been facilitated by the support given by major imperialist Powers to international zionism and its godchild Israel, whose aggressive and expansionist policies reflected its ambitions for a Greater Israel.

98. The roots of nazism and similar repugnant ideologies were still strong in some parts of the world. Zionism was no less a threat than nazism had been; the latter had been based on the doctrine of Aryan racial purity, while the former was based on the similar doctrine of a "chosen people". The outcome of

both had been persecution, massacres and lightning aggression. The comments of the historian Arnold Toynbee exemplified the criticism of the Zionists' criminal acts. He had said that the Jews, instead of learning from their former plight, had meted out similar treatment to another people - the Arabs, who alone in history had never been stigmatized for racial or religious intolerance.

99. The Zionist entity's racist nature could also be seen in the existence of special schools, the Yeshiva, which trained future rabbis in the techniques of instilling hatred of other races and beliefs. An example of the end product was Meir Kahane, leader of the Kach party, who had declared, inter alia, that, since Jews and Arabs were at war, there could be no innocent Arabs, who must suffer the effects of war just as German civilians had suffered from the Allied bombing in the Second World War.

100. At the dawn of a new decade, it was sad to see that the Zionist entity was able to go on flouting international law because of its close association with certain countries which claimed to be upholders of human rights. But the General Assembly, in resolution 3379 (XXX), had taken an appropriate step in comparing zionism to racism. The Syrian Arab Republic had supported that resolution and had also been a sponsor of General Assembly resolution 37/179.

101. His country's Constitution affirmed, inter alia, the right of all citizens to participate equally in all political, social and economic activity, in accordance with the law. The Syrian Arab Republic respected freedom of belief, and its Government had always striven, in international forums, for measures to put an end to policies based on hatred, racism or racial discrimination and to the provision of economic, military, scientific or other assistance to racist régimes. It supported calls for international measures to raise awareness of the dangers inherent in racist policies and of the right of all peoples to self-determination as a legal right not subject to negotiation.

102. Despite the improved world climate stemming from the events of the past year, some hotbeds of racial tension still remained. One of them was in the Middle East, where there could be no just and lasting solution until Israel had withdrawn all its occupying forces and settlers and the Palestinians' rights to self-determination and independence had been exercised. That achievement required the requisite political will and endeavour on the part of all peace-loving States.

103. Mr. WALDEN (Observer for Israel), speaking in exercise of the right of reply, said that the Commission's deliberations on the current agenda item were intended to promote measures against totalitarian and other ideologies and practices based on racial or ethnic exclusiveness or intolerance. Such measures surely included the condemnation and avoidance of incitement to hatred and intolerance; but the statement the Commission had just heard was nothing but blatant incitement and hostility.

The meeting rose at 1.10 p.m.